1	BEFORE THE
0	ILLINOIS COMMERCE COMMISSION
2	IN THE MATTER OF:
3)
4	CHARLES E. LARSON AND SONS,) INC.,)
5	Complainant,)
6	v.) No. 03-0195
7	THE PEOPLES GAS, LIGHT AND COKE) COMPANY,
8	Respondents,)
9	Complaint pursuant to 10-108 of)
10	the Public Utilities Act.)
LU	Chicago, Illinois April 22, 2003
11	
12	Met pursuant to notice at 11:00 a.m.
	BEFORE:
13	TERENCE HILLIARD, Administrative Law Judge
1 4	APPEARANCES:
	O'KEEFE, ASHENDEN, LYONS & WARD, by
15	MR. HENRY T. KELLY 30 North LaSalle Street, Suite 4100
16	Chicago, Illinois 60602
. –	Appearing for the Complainant;
17	MR. BRIAN J. MC CARTHY
18	130 East Randolph Drive, 23rd Floor
1 0	Chicago, Illinois 60601
19	Appearing for the Respondent.
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21	
	SULLIVAN REPORTING COMPANY, by
2.2	Steven T Stefanik CSR

1		<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>	Do Dr
2	Witnesses:	Direct Cross direct	Re- By cross Examiner
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7		None.	
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9		<u>E X H I B I T S</u>	
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11	Number	For Identification	<u>In Evidence</u>
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14		None so marked.	
15		None so marked.	
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- 1 JUDGE HILLIARD: On behalf of the Illinois
- 2 Commerce Commission, I call Docket No. 03-0195,
- 3 Charles E. Larson and Sons, Inc., versus Peoples
- 4 Gas, Light and Coke Company.
- 5 Can the parties identify themselves for
- 6 the record, please.
- 7 MR. KELLY: Henry Kelly with O'Keefe, Ashenden,
- 8 Lyons and Ward, appearing on behalf of Charles E.
- 9 Larson and Sons.
- 10 MR. MC CARTHY: Brian McCarthy appearing on
- 11 behalf of Respondent, the Peoples Gas, Light and
- 12 Coke Company, 130 East Randolph Drive, Chicago,
- 13 Illinois 60601.
- 14 JUDGE HILLIARD: Okay. Counsel, you indicated
- 15 you want the Company to file an answer.
- 16 Could you elaborate on that?
- 17 MR. KELLY: Yes, your Honor.
- 18 We filed a complaint under the rules.
- 19 If the complaint states a cause of action, based on
- 20 your order, the party -- the respondent then has 21
- 21 days to file an answer.
- 22 And we would ask that the Judge -- that

- 1 your Honor require Peoples Gas to file an answer to
- 2 the complaint.
- 3 It's our belief that the answer to the
- 4 complaint will help narrow the issues to be
- 5 litigated to the extent that they make certain
- 6 admissions or denials with respect to the
- 7 allegations of the complaint.
- 8 JUDGE HILLIARD: Do you have a response to
- 9 that?
- 10 MR. MC CARTHY: I'm sorry. I'm thinking of
- 11 something else.
- 12 Could you repeat what you were just
- 13 saying?
- 14 MR. KELLY: Could you read back -- no.
- We just think that the answer will
- 16 further the litigation by helping to narrow the
- 17 issues.
- 18 Based on the allegations of the
- 19 complaint, if they admit or deny certain
- 20 allegations, we can focus our discovery requests
- 21 and such and those admissions.
- MR. MC CARTHY: Yeah, and I don't disagree with

- 1 that. So I think that could be true, but then that
- 2 argues for not doing discovery until the answer's
- 3 in and the parties have had some time to digest it,
- 4 you know, to keep it narrow.
- 5 JUDGE HILLIARD: Well, I don't know if that's
- 6 the case. He's indicated he thinks he's got a
- 7 basis for some initial discovery requests.
- 8 MR. MC CARTHY: Okay.
- 9 JUDGE HILLIARD: I take it you don't have an
- 10 objection to filing an answer?
- 11 MR. MC CARTHY: No.
- 12 JUDGE HILLIARD: All right.
- 13 All right. Then I'll order the Company
- 14 to file an answer within the time limit allowed by
- 15 the rules. And on the representation that I've
- 16 made off the record that the Complainant has some
- 17 initial discovery that he'd like to get under way,
- 18 why don't we give him a chance to do this and then
- 19 give the Company a chance to respond.
- 20 And if you have discovery you'd like to
- 21 get out at this stage, that's fine and we can
- 22 reconvene, say, in six weeks.

- 1 Maybe --
- 2 MR. KELLY: Six weeks, I think, would be
- 3 June 3rd.
- 4 JUDGE HILLIARD: We could do June 3rd,
- 5 June 5th. Maybe June 5th. Then we don't have to
- 6 worry about the Commission having a meeting at the
- 7 time I have to be there.
- 8 Is that all right, June 5th?
- 9 MR. KELLY: Yes.
- 10 JUDGE HILLIARD: June 5th, say, at 11:00
- 11 o'clock?
- 12 MR. MC CARTHY: Yes, I think that's -- is that
- 13 a Thursday?
- 14 JUDGE HILLIARD: Yes, it is.
- MR. MC CARTHY: That's okay.
- 16 JUDGE HILLIARD: All right. Okay. Then we're
- 17 done.
- 18 (Whereupon, said hearing was
- continued to June 5, 2003
- 20 at 11:00 a.m.)
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1	CERTIFICATE OF REPORTER
2	
3	STATE OF ILLINOIS)
4	COUNTY OF DU PAGE)
5	CASE NO. 03-0195
6	TITLE: CHARLES E. LARSON AND SONS, INC., v. THE PEOPLES GAS, LIGHT AND COKE COMPANY
7	I, Steven Stefanik do hereby certify that I am
8	a court reporter contracted by SULLIVAN REPORTING
9	COMPANY, of Chicago, Illinois; that I reported in
10	shorthand the evidence taken and the proceedings
11	had in the hearing on the above-entitled case on
12	April 22 A.D. 2003 ; that the foregoing $\underline{6}$ pages are
13	a true and correct transcript of my shorthand notes
14	so taken as aforesaid, and contains all the
15	proceedings directed by the Commission or other
16	person authorized by it to conduct the said hearing
17	to be stenographically reported.
18	Dated at Chicago, Illinois, this day
19	<u>April 24</u> A.D. <u>2003</u> .
20	
21	REPORTER

03-0195

State of Illinois ILLINOIS COMMERCE COMMISSION

(To be filed with the Chief Clerk)

MINUTES

Chicago, Illinois April 22, 2003

CASE NO. 03-0195

SUBJECT: CHARLES E. LARSON AND SONS, INC., v. THE PEOPLES GAS, LIGHT AND COKE COMPANY

Complaint pursuant to 10-108 of the Public Utilities Act.

HEARD BY: TERENCE HILLIARD, ALJ APPEARANCES:

O'KEEFE, ASHENDEN, LYONS & WARD, MR. HENRY KELLY, 30 North LaSalle Street, Suite 4100 Chicago, Illinois 60602

Appearing for the Complainant;

MR. BRIAN MC CARTHY, 130 East Randolph Drive, 23rd Floor, Chicago, Illinois 60601

Appearing for the Respondent.

DISPOSITION: Cont'd to June 5, 2003 @ 11:00 a.m. EXHIBITS FILED: None

REPORTED BY: Sullivan Reporting Company, Steven T. Stefanik, CSR

REMARKS: Org to Comm 1 - 6 (6 Pages)